UNITED STATES PATENT AND TRADEMARK OFFICE

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09/989,151	11/21/2001	Toshiki Kindo	P21724	9437

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PTO-90C (Rev. 10/03)

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/989,151
Filing Date: November 21, 2001
Appellant(s): KINDO ET AL.

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Technology Center 2100

Bruce H. Bernstein and William E. Lyddane
<u>For Appellant</u>

EXAMINER'S ANSWER

This is in response to the appeal brief filed July 21, 2006 appealing from the Office

action mailed January 20, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings

which will directly affect or be directly affected by or have a bearing on the Board's decision in

the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in

the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,872,850	KLEIN	2-1999
6,408,288	ARIYOSHI	6-2002
5,717,913	DRISCOLL	2-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1.   Claims 20 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Klein et al. (US 5,872,850) in view of Ariyoshi (US 6,408,288 B1) and further in view of

Driscoll (US 5,717,913).

Regarding claim 20, Klein discloses an information distribution system, comprising:

- a storage section that stores a personal profile that includes at least one

    evaluation value of a keyword contained in distribution information provided

    from a first information distribution provider (col. 1, lines 47-51 and col.3, line

    43 to col. 4, line 6; col. 5, lines 13-27 and col. 6, lines 3-9, Klein); and

- an information distributor that rates the distribution information provided form

    the first information distribution provider with the keyword based on the

    personal profile and sends said distribution information to a client, wherein said

    information distributor rates distribution information provided from a second

    information distribution provider with a keyword based on the personal profile

    and sends the distribution information to the client (col.1, lines 47-63; col.4,

    lines 7-60; col. 5, lines 13-27. Klein discloses the filtering mechanism to filter

the user content-based items from a domain or many domains or from many

information providers at col.1, lines 47-63 and co.3, lines 51-54. Therefore,

Klein teaches the claimed feature of the distribution information pieces from one

or many different information providers and Klein further discloses at col. 2,

lines 41-48 the distributed system that transmit data to a node which corresponds

to the client that must include the distribution information provider) said

information distributor comprising: a first information filter that rates the

distribution information from the first information distribution provider based on

the at least one evaluation value included in the personal profile in

correspondence to the keyword contained in the distribution information, sends

the distribution information to the client (col. 1, lines 47-51 and col.3, line 43 to

col. 4, line 6, Klein and col. 23, lines 20-28, Klein).

Klein, however, does not disclose "the evaluation value is calculated based upon a user's

past selection of distribution information containing the keyword. Ariyoshi, on the other

hand, discloses an information filtering method including filtering, rating or evaluating

keyword based on a user's past selection of distribution information containing the

keyword (abstract; summary and col. 4, lines 41-67 and col.5, lines 39-46, Ariyoshi). It

would have been obvious to one of ordinary skill in the art at the time of the invention

was made to modify Klein to include the claimed feature as taught by Ariyoshi. The

motivation of doing so would have been to obtain the distribution information with

higher accuracy (col. 2, lines 34-40, Ariyoshi).

Klein and Ariyoshi combination does not disclose the second filter that does not perform

the learning process. Driscoll discloses an information filtering system for retrieving

relevant text data from a database (abstract; Fig.1; col.3, line 53 to col.4, line 27 and col.

5, lines 44-50, Driscoll). Drisoll clearly disclose the filtering of text data in the database

not based on the learning process. It would have been obvious to one of ordinary skill in

the art at the time of the invention was made to modify the combination of Klein and

Ariyoshi to include the claimed feature as taught by Drisoll. The motivation of doing so

would have been to enhance the relevance retrieval of subsequent documents (abstract

and col.4, lines 24-28, Driscoll).

Regarding claim 23, Klein/Ariyoshi combination discloses wherein said distribution

information from said first information distribution provider comprises more keywords than said

distribution information from said second information distribution provider (col.1, lines 47-63;

col.4, lines 7-60; col. 5, lines 13-27, Klein).

Regarding claim 24, Klein/Ariyoshi combination discloses wherein said distribution

information from said first information distribution provider comprises a newspaper article, and

wherein said distribution information from said second information distribution provider

comprises a product advertisement (col.31, lines 38-49, Klein).

2.   Claims 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein et al.

(US 5,872,850) in view of Ariyoshi (US 6,408,288 B1).

Regarding claim 25, Klein discloses an information distribution apparatus, comprising:

-        a first information filter that stores a personal profile in which at least one

         evaluation value of a keyword is learned in advance based on preference

information, rates distribution information from the first information distribution

provider with a keyword based on the personal profile, and sends the

distribution information to a client (col. 1, lines 47-51 and col.3, line 43 to col.

4, line 6, Klein and col. 23, lines 20-28, Klein discloses the filtering mechanism

to filter the user content-based items from a domain or many domains at col.1,

lines 47-63 and co.3, lines 51-54, Klein. Therefore, Klein teaches the plurality of

filtering of the distribution information pieces from one or many different

information providers. Klein further discloses at the background that the

distribution information is extracted, filtered and reviewed by the reviewers

whoever paid for the review but not establishing the learning process of how to

perceive the interested movies).

Klein, however, does not disclose the second filter that does not perform the learning

process. Ariyoshi, on the other hand, discloses an information filtering method including

filtering, rating or evaluating keyword based on a user's past selection of distribution

information containing the keyword (abstract; summary and col. 4, lines 41-67 and col.5,

lines 39-46, Ariyoshi). It would have been obvious to one of ordinary skill in the art at

the time of the invention was made to modify Klein to include the claimed feature as

taught by Ariyoshi. The motivation of doing so would have been to obtain the

distribution information with higher accuracy (col. 2, lines 34-40, Ariyoshi).

Regarding claim 26, Klein discloses an information distribution method, comprising:

-        storing a personal profile at a first information filter in which at least one

  evaluation value of a keyword is learned in advance based on preference

  information (step 102, Fig1 and col.3, lines 43-50, Klein);

-        having the first information filter rate distribution information provided from a

  first information distribution provider with a keyword based on a personal

  profile that includes at least one evaluation value of the keyword (col.1, lines

  47-63; col. 2, lines 41-48; col.3, lines 43-50; col.4, lines 7-60 and col.5, lines 2-

  27, Klein).

Klein, however, does not disclose having second filter rate distribution information.

Ariyoshi, on the other hand, discloses an information filtering method including filtering,

rating or evaluating keyword based on a user's past selection of distribution information

containing the keyword (abstract; summary and col. 4, lines 41-67 and col.5, lines 39-46,

Ariyoshi). It would have been obvious to one of ordinary skill in the art at the time of the

invention was made to modify Klein to include the claimed feature as taught by Ariyoshi.

The motivation of doing so would have been to obtain the distribution information with

higher accuracy (col. 2, lines 34-40, Ariyoshi).

Regarding claim 27, Klein/Ariyoshi combination discloses the rating the distribution

information from the second information distribution provider based on the evaluation value

registered in the personal profile in correspondence to the keyword contained in the distribution

information (col.1, lines 47-63; col.4, lines 7-60; col. 5, lines 13-27, Klein).

Regarding claim 28, Klein/Ariyoshi combination discloses performing a learning process

that changes the evaluation value of the keyword contained in the distribution information from

the first information distribution provider in the personal profile, based on the distribution

information and preference information of the client about the distribution information; and not

performing the learning process based on the distribution information from the second

information distribution provider (col.3, line 43 to col. 4, line 6col. 6, line 62 to col. 7, line 10

and col. 5, lines 13-27. Klein discloses the system that stores user and item information including

keywords in profiles and learns what item the user is interested in have to change the evaluation

value. Klein further discloses at the background that the distribution information is extracted,

filtered and reviewed by the reviewers whoever paid for the review but not establishing the

learning process of how to perceive the interested movies).

(10) Response to Argument

(A) Examiner's response to Appellants' argument A: The rejection of claims 20, 23

and 24 under 35 U.S.C. §103(a) over Klein et al. (US 5,872,850) in view of Ariyoshi (US

6,408,288) and Driscoll (US 5,717,913) IS PROPER.

I. Appellants argue: "the applied prior art does not discloses or suggest the combination

of a first information filter that rates distribution information from a first information distribution

provider based on at least one evaluation value of a keyword included in a personal profile and

performs a learning process that changes the evaluation value based on preference information of

a client about the distribution information, and a second information filter that rates distribution

information from a second information distribution provider based on the at least one evaluation

values included in the personal profile, but which does not perform a learning process."

Examiner responds: Klein's disclosure of the filtering mechanism to filter the user

content-based items from a domain or many domains or from many information providers based

on at least one evaluation value of a keyword stored in user profiles (keywords: "Thursday",

"Friday", co.3, lines 51-54, Klein) and the learning process of what item the user interested in a

certain day (col.1, lines 47-63; co.3, lines 51-54 and col.4, lines 7-30, Klein). Klein further

discloses the rating information items based on evaluation values (values scale "1 to 10", col.4,

lines 61-66, Klein) and keywords ("A" to "F" , col.4, lines 61-66, Klein) which does not perform

the learning process. Thus, Klein teaches the claimed feature of a first information filter that

rates distribution information from a first information distribution provider based on at least one

evaluation value of a keyword included in a personal profile and performs a learning process that

changes the evaluation value based on preference information of a client about the distribution

information, and a second information filter that rates distribution information from a second

information distribution provider based on the at least one evaluation values included in the

personal profile, but which does not perform a learning process.

Furthermore, Ariyashi discloses an information filtering method including filtering,

rating or evaluating keyword based on a user's past selection of distribution information

containing the keyword corresponding to filtering, rating or evaluating "based on the evaluation

value included in the personal profile" (abstract; summary and col. 4, lines 41-67 and col.5, lines

39-46, Ariyoshi).

Therefore, the combination of Klein and Ariyoshi discloses the claimed features of

information filter that rates distribution information from a first information distribution provider

based on at least one evaluation value included in a personal profile and performs a learning

process and a second information filter that rates distribution information from a second

information distribution provider based on the at least one evaluation values which does not

perform a learning process.

II. Applicants argue: "there is no reason, suggestion or motivation to combine Driscoll

with Klein and Ariyoshi."

In response to applicant's argument that there is no suggestion to combine the references,

the examiner recognizes that obviousness can only be established by combining or modifying the

teachings of the prior art to produce the claimed invention where there is some teaching,

suggestion, or motivation to do so found either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5

USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Klein discloses the filtering mechanism to filter the user content-based items

from a domain or many domains corresponding to information providers at col.1, lines 47-63 and

co.3, lines 51-54 col.4, lines 7-60 and col. 5, lines 13-27. Therefore, Klein teaches the claimed

feature of a first information filter that rates the distribution information from the first

information distribution provider based on the at least one evaluation value included in the

personal profile in correspondence to the keyword contained in the distribution information,

sends the distribution information to the client (col. 1, lines 47-51 and col.3, line 43 to col. 4, line

6, Klein and col. 23, lines 20-28, Klein).

Ariyoshi discloses an information filtering method including filtering, rating or

evaluating keyword based on a user's past selection of distribution information containing the

keyword corresponding to filtering, rating or evaluating "based on the evaluation value included

in the personal profile" (abstract; summary and col. 4, lines 41-67 and col.5, lines 39-46, Ariyoshi).

Driscoll discloses an information filtering system for retrieving relevant text data from a database (abstract; Fig.1; col.3, line 53 to col.4, line 27 and col. 5, lines 44-50, Driscoll). Drisoll clearly disclose the filtering of text data in the database not based on the learning process. Therefore, Drisoll discloses the second information filter does not perform a learning process.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination of Klein and Ariyoshi to include the claimed feature as taught by Drisoll. The motivation of doing so would have been to enhance the relevance retrieval of subsequent documents (abstract and col.4, lines 24-28, Driscoll).

(A) Examiner's response to Appellants' argument A: The rejection of claims 20, 23 and 24 under 35 U.S.C. §103(a) over Klein et al. (US 5,872,850) in view of Ariyoshi (US 6,408,288) IS PROPER.

Appellants repeat their earlier arguments of first information filter and a second information filter that rates distribution information based on the keyword.

Examiner reiterates her response provided above and incorporates it by reference.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.
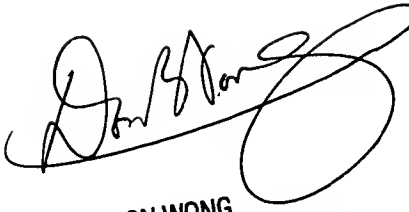
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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August 31, 2006

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